

Attorney Docket No. MP/140A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant : Cully et al.
Appl. No. : 09/488,229
Filed : 01/20/2000
Title : Biliary Stent-Graft
Grp/Art Unit : 3731
Examiner : Bul, Vy Q.

I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark
Office on June 30, 2004.

Melanie Williams
Melanee Williams

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUN 30 2004

RESPONSE UNDER 37 CFR 1.111

Dear Sir:

The following is submitted in response to the Official Action mailed Jan. 30, 2004.

Applicants hereby request an extension of time for two months. The Examiner is hereby requested and authorized to charge the appropriate extension of time fee to our Deposit Account No. 07-1729.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

SN 09/488,229

IV. REJECTION OF CLAIMS 32-33 AND 36-39 UNDER 35 USC 102(e) AS ANTICIPATED BY LEOPOLD et al., US 6,352,561.

Claim 32 is amended herein to specify that the stent structural elements provide protruding means for anchoring the stent to a body conduit. Leopold et al. do not teach or suggest the use of any protruding means for anchoring such as taught by the present invention. Accordingly, claim 32, and claims 33 and 36-39, all of which depend from claim 32, are not anticipated by Leopold et al.

V. REJECTION OF CLAIMS 1-7, 8-12, 13-19, 22-24 AND 35 UNDER 35 USC 103(a) AS UNPATENTABLE OVER LEOPOLD et al., US 6,352,561 IN VIEW OF LAU et al., US 5,735,893, AND DECLARATION NECESSARY TO OVERCOME THE REJECTION.

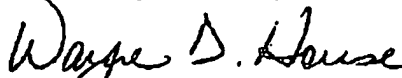
The Examiner notes that Leopold et al. is commonly assigned with the instant application, and constitutes prior art only under 35 USC 102(e). He adds that, for applications filed on or after November 29, 1999, this obviousness rejection may be overcome by showing that the subject matter of the reference and the claimed invention, were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person (per MPEP 706.02(l)(1) and 706.02(l)(2)). The present application was filed on Jan. 20, 2000.

Accordingly, it is stated herein that the present application, Serial No. 09/488,229, and US Patent 6,352,561 to Leopold et al., were, at the time the invention of application Serial No. 09/488,229 was made, owned by W.L. Gore & Associates.

CONCLUSION

The applicants believe that their claims as amended are in good and proper form and are patentable over the cited art. As such, the applicants respectfully request reconsideration, allowance of the claims and passage of the case to issuance.

Respectfully Submitted,



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Date: 30 JUNE 2004